

Remarks

The forgoing amendment has been made after a careful review of the present application, the references of record, and the Office Action dated January 26, 2005. In the Office Action, the examiner raised certain minor objections in respect to claims 1 and 8, and claims 1, 8, and 9 were rejected under 35 USC 102(b) as being anticipated by Skinner. Claims 6 and 10 – 12 were rejected under 35 USC 102(b) as being anticipated by Formanek and claims 1 – 5 and 7 were rejected under 35 USC 103(a) as unpatentable over Formanek.

In the forgoing amendment, the applicant has undertaken certain minor corrections to the claims to overcome the examiner's claim objections. Claim 1 has been amended to clarify that an end of the first length of gutter will receive in nested relationship an end of a second length of gutter identical to the first length of gutter without requiring a connector member. Claim 2 has been amended to clarify that a tab formed by a plurality of adjacent tabs on a length of gutter is positionable to overlap a second tab on a second length of gutter and the first and second tabs are foldable together to lock the lengths of gutter together. Claim 3 has been amended to clarify that the cuts in the fascia form a second plurality of adjacent tabs, one of which is positionable to overlap a tab on a second length of gutter and is foldable with the tab on the second length for locking the lengths of gutter together. Claim 4, which is dependent upon claim 3,

recites the overlapping quality foldable to lock the parts together where there is a second plurality of cuts on the outer lip of a length of gutter.

Claim 6 has also been amended to clarify that the tabs are positioned with one overlapping another, and that the overlapped tabs are positionable so as to overlap tabs of a second panel and are foldable together to lock the ends of the length of gutter to each other. Claims 8, 10, and 12 were also amended to recite this feature. Newly added claim 13 recites that a fold line is provided between the outer panel and the lip with the lip extending generally vertically from the panel to allow the lengths of gutter to be nested together for storage after which the lip is foldable along the fold line to a position where it extends generally horizontal for installation. The term "fold line" is defined on page 4 line 9 of the specification. The sale of the gutter lengths prior to folding the lips is set forth on page 10 line 7 to page 11 line 5. New claim 14 clarifies that the fold line is a perforation. New claims 15 and 16 are dependent on claims 1 and 6 respectively and recite a sealant as shown in Fig. 4 and described on page 8 lines 8 to 17.

The applicant hereby traverses the rejection of the present claims as being anticipated by Skinner. Skinner discloses a gutter system having lengths of gutter attachable to a house by virtue of a snap assembling bracket. The gutters of Skinner are depicted as having been formed to the length needed to extend between components that serve certain specific purposes, such as providing a corner, an end, or an attachment to a downspout. The components include a connector unit 20 for joining two adjacent ends of a length of gutter together. The connector unit 20 has an outer panel 68 and an inner panel 66

with the panels spaced apart a distance sufficient to allow the thickness of a length of gutter to slide between the panels and thereby provide a tight fit. This is an entirely different method of joining the ends of adjacent lengths of gutter than set forth in the claims of the present application. Specifically, claim 1 requires that the end of a first length gutter nest into the end of a second length of gutter that is identical to the first length. To the extent that the end of a length of gutter 16 of Skinner can be said to nest into anything, it nests into the connector element 20 rather than the end of an adjacent length of gutter as required by claim 1.

The elements claimed in the present invention enable an installer, such as a homeowner, with a minimum of tools to assemble a plurality of gutter lengths together to reach an overall length that exactly fits his needs without cutting one or more of the individual lengths. The nesting of one end into that of another permits an installer to longitudinally slide one piece with respect to another to reach a desired length. This cannot be done by a device of Skinner or Formanek, or any combination of the two of them.

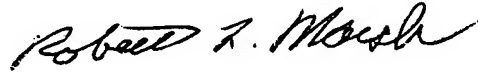
The various components disclosed by Skinner are attachable to the end of a length of gutter by means of a connector element having a pair of foldable tabs bearing indicia number 84. The tabs of Skinner, however, are not formed by a plurality of spaced cuts in the ends of a length of gutter and do not retain the parts together by folding overlapping tabs together as required by the amended claims of the present application. Skinner does show an expansion coupling 22 that slideably receives an end of a length of gutter to accommodate the

expansion qualities of thermoplastic, however, as previously stated, even these parts are not retained together by folding together overlapping tabs as required by the amended claims. Clearly, the claims as amended define over Skinner.

The applicant also traverses the rejection of the claims as being anticipated by Formanek. Formanek discloses a decorative snap-on gutter cover having a plurality of notches 37 and the flange 22 and a second plurality of notches 39 and the upstanding rear flange 18 with the notches forming a plurality of spaced tabs 35. The device of Formanek is a decorative outer covering intended to wrap around the exterior of an existing gutter, and therefore Formanek does not disclose a gutter as required by the present claims. The notches 39 and the upstanding rear flange portion 18 of Formanek are intended "to facilitate the insertion thereof between the leaves 14 and the rear wall 20 of the gutter 12," as recited in column 3 lines 3 – 6. The slits 37 in the forward flange 22 form spaced tabs which are folded around an existing gutter to retain the decorative covering to the gutter, however, the tabs 35 of Formanek are not folded together with tabs of an adjacent length of gutter to retain adjacent lengths of gutter in end-to-end relationship as required by the amended claims of the present application. Accordingly, the claims, as amended, also clearly define over Formanek and the rejections of the claims based on Formanek must be withdrawn.

In view of the forgoing, the applicant submits that the claims of the present application are now in condition for allowance and favorable reconsideration and allowance is requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Robert L. Marsh". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert L. Marsh
Reg. No. 25894
Attorney for the Applicant
630-681-7500
Fax: 630-681-3464

RLM:ksc